

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALLENTOWN WOMEN’S CENTER, INC.,

Plaintiff,

Civil Action: 5:19-cv-01571-CFK

v.

JOHN DUNKLE, ANTHONY J. SULPIZIO,
MARK MICHAEL BOGUNOVICH, and
JOHN DOE NOS. 1-5,

Defendants.

**DEFENDANT ANTHONY J. SULPIZIO’S
MOTION FOR DISMISSAL UNDER FED. R. CIV. P. 12(b)(6)**

Co-defendant Anthony J. Sulpizio hereby respectfully moves this court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an order dismissing the Complaint filed against him, as the Complaint fails to state any claim against him upon which relief can be granted.

1. The relief prayed for should be granted as to Count I of the Plaintiff’s Complaint, which fails to plead a cognizable claim under Freedom of Access to Clinic Entrances Act (FACE), 18 U.S.C. § 248.
2. Count IV of the Complaint likewise fails to set forth a cognizable claim for private nuisance and is also barred by the applicable Pennsylvania statute of limitations.
3. Count V of the Complaint fails to set forth a cognizable claim for public nuisance.
4. Count VI of the Complaint fails to set forth a cognizable claim for civil conspiracy.

5. All of said Counts fail to meet the federal pleading standards enunciated by *Ashcroft v. Iqbal*, 556 U.S. 662, 679, 129 S. Ct. 1937, 1950, 173 L. Ed.2d 868 (2009) and *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 127 S. Ct. 1955, 167 L. Ed.2d 929.
6. The grounds and authorities in support of this Motion are set forth more fully in the Memorandum of Law contemporaneously filed herewith.

Dated: May 28, 2019

Respectfully submitted:

s/ Christopher G. Sweet (PA Bar #315231)
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the **AMERICAN CATHOLIC
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-and-

s/Christopher A. Ferrara
CHRISTOPHER A. FERRARA, ESQ.
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Counsel for Defendant Anthony J. Sulpizio

